

1725
Pfu

Appl. No. 09/868,222
Election with Traverse dated 9/03/04
Attorney Docket No. 0388-010965



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/868,222
Applicant: : Shinke, et al.
Filed: : June 15, 2001
Title: : FLUID TREATING DEVICE
Group Art Unit : 1725
Confirmation No. : 6156
Examiner : Jonathan J. Johnson

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION WITH TRAVERSE

In response to the Office Action dated August 5, 2004, Applicants submit the following election with traverse.


The Examiner states that the present invention contains two patentably distinct

Species:

- I. Claims 19-22 drawn to a reforming reaction catalyst; and
- II. Claims 13-18 drawn to a container structure.

The Action further indicates that claims 11 and 12 are generic to the above Species. Applicants respectfully traverse this Restriction Requirement.

{W0139547.1}

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 3, 2004.	
Chris Reichert	
(Name of Person Mailing Document)	
	09/03/04
Signature	Date

The traversal is on two grounds. The first ground of traversal is that Species I, drawn to claims 19-22, is not directed to a reforming reaction catalyst, but to the detailed construction of "the processing spaces" found in claim 11. These "processing spaces" act as reaction units housing each catalyst. Therefore, Species I and Species II are related in that each of the Species calls for details of the processing apparatus.

The second ground of traversal is the extent to which the unity of invention standard applicable to PCT patent applications may be applied to the present application. The present application is the U.S. National Phase of PCT Application No. PCT/JP99/06984 filed December 10, 1999. All of the claims were examined with a single search in the PCT application.

Finally, claims 19-22 are dependent, either directly or indirectly upon independent claims 11 and 12.

Therefore, in the event claims 11 and/or 12 are deemed to be allowable, then claims 19-22 may be reinstated as part of the present application.

However, in the event the Examiner maintains the Restriction Requirement, Applicants hereby elect to prosecute the invention of Species II, claims 13-18 with traverse. Applicants make this election without prejudice to the later filing of a divisional application directed to the non-elected inventions.

Respectfully resubmitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By: 

Russell D. Orkin, Reg. No. 25,363
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com